

立法會
Legislative Council

LC Paper No. LS36/09-10

**Paper for the House Committee Meeting
on 22 January 2010**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 15 January 2010**

Date of tabling in LegCo : 20 January 2010

Amendment to be made by : 3 February 2010 (or 10 March 2010 if extended by resolution)

PART I COMMENCEMENT NOTICES

**Energy Efficiency (Labelling of Products) Ordinance (Cap. 598)
Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1)
Order 2009 (L.N. 202 of 2009)
Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1)
Order 2009 (Commencement) Notice (L.N. 2)**

**Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules)
Order 2009 (L.N. 204 of 2009)
Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules)
Order 2009 (Commencement) Notice (L.N. 3)**

By the above Notices, the Secretary for the Environment (the Secretary) appoints 19 March 2010 as the day on which the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1) Order 2009 (L.N. 202 of 2009) (the Amendment of Schedule 1 Order) and the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2009 (L.N. 204 of 2009) (the Amendment of Schedules Order) will come into operation.

2. The Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) (the Ordinance) was passed in 2008 to put in place the Mandatory Energy Efficiency Labelling Scheme (MEELS) by requiring the relevant suppliers to provide information relating to specified energy-using products (prescribed products) and the display of energy labels on prescribed products. The Ordinance also prohibits the supply of prescribed products without reference numbers assigned by the Electrical and Mechanical Services Department. The list of prescribed products is provided in Part 1 of Schedule 1 to the Ordinance and the Secretary may, subject to the approval of the Legislative Council, amend Part 1 of Schedule 1 under section 54 of the Ordinance.

3. The Amendment of Schedule 1 Order was passed by the Legislative Council on 21 October 2009 to introduce the second phase of MEELS by adding two

products, namely, washing machines and dehumidifiers, to Part 1 of Schedule 1 to the Ordinance as prescribed products. As a consequence, the supply of these products will be governed by the provisions of the Ordinance. A grace period of 18 months (the expiry of 18 months after the commencement of the Amendment of Schedule 1 Order) is provided under the said Order to allow time for the suppliers of the new prescribed products to prepare for the compliance with the requirements in the Ordinance.

4. The Amendment of Schedules Order, which was gazetted on 30 October 2009, adds washing machines and dehumidifiers, to Part 2 of Schedule 1, Schedules 2 and 3 to the Ordinance. As a result, the supply of a washing machine or dehumidifier requires a reference number and an energy label as required under the Ordinance. The Order also adds Parts 5 and 6 of Schedule 2 to the Ordinance which specify the respective requirements for energy labels to be affixed to washing machines and dehumidifiers, including the colour, design, dimensions and information to be contained.

5. The Amendment of Schedules Order was scrutinized by a subcommittee of the House Committee in November and December 2009. The Subcommittee supported in principle the implementation of the second phase of MEELS and the Order. In response to the Subcommittee's views, the Amendment of Schedules Order was amended by a resolution passed by the Legislative Council on 6 January 2010 (L.N. 1 of 2010) to narrow down the coverage of dehumidifiers to those with a rated dehumidifying capacity not exceeding 35 litres per day. Members may refer to the report of the Subcommittee on Energy Efficiency (Labelling of Products) (Amendment of Schedules) Order 2009 (LC Paper No. CB(1)689/09-10) for further information.

6. The Panel on Environmental Affairs has not been consulted on the above Notices.

**Foreign Lawyers Registration (Amendment) Rules 2009 (L.N. 163 of 2009)
Foreign Lawyers Registration (Amendment) Rules 2009 (Commencement) Notice
(L.N. 4)**

7. By this Notice, the President of The Law Society of Hong Kong appoints 22 March 2010 as the day on which the Foreign Lawyers Registration (Amendment) Rules 2009 (L.N. 163 of 2009) (the Amendment Rules) will come into operation.

8. Under section 5 of the Foreign Lawyers Registration Rules (the principal Rules), if a person with less than 2 years of post-qualification experience in the practice of foreign law applies to be registered as a foreign lawyer, the Law Society of Hong Kong may impose conditions as to supervision under which that person may practise foreign law as an employee of a Hong Kong firm. The Amendment Rules amend the principal Rules to extend the supervision requirement in section 5 of the principal Rules to persons practising foreign law as employees of foreign firms. They also specify that a lawyer who provides the required supervision

must be a lawyer admitted to practise the foreign law concerned in the same jurisdiction as the foreign lawyer. This requirement applies to practice of a foreign lawyer as an employee of a Hong Kong firm as well as to practice as an employee of a foreign firm.

9. The Panel on Administration of Justice and Legal Services has not been consulted on this Notice.

PART II LEGAL NOTICE NOT REQUIRED TO BE TABLED AND NOT SUBJECT TO AMENDMENT

United Nations Sanctions Ordinance (Cap. 537) United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2010 (L.N. 5)

10. The United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2010 (the Amendment Regulation) was made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (the Ordinance) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council.

11. The United Nations Sanctions (Democratic People's Republic of Korea) Regulation (Cap. 537 sub. leg. AE) (the principal Regulation) was enacted in 2007 to implement certain sanctions against the Democratic People's Republic of Korea (DPRK). The Amendment Regulation is made to give effect to certain decisions of the Security Council of the United Nations (UNSC) in Resolution 1874 (2009) as adopted by UNSC on 12 June 2009 to expand the existing sanctions against the DPRK. The main provisions include -

- (a) amending the definition of "specified item" in section 1 of the principal Regulation to cover all arms and related material, and those items set out in certain UNSC documents;
- (b) extending the prohibition against the procurement of certain items from the DPRK to any technical training, service, assistance or advice related to the provision, manufacture, maintenance or use of any specified arms;
- (c) providing for the prohibition against engaging in any financial transaction related to the provision, manufacture, maintenance or use of any specified arms the supply or procurement of which is prohibited under the principal Regulation as amended by the Amendment Regulation;
- (d) providing for the prohibition against the provision of certain services to ships registered in the DPPK under certain circumstances; and
- (e) empowering a magistrate or judge to make an order for forfeiture and disposal of any document, cargo or article seized by an authorized

officer under the principal Regulation, and providing for procedures for the owner (or authorized agent of the owner) of the seized items to object to the proposed forfeiture.

12. Members may refer to the information paper issued by the Commerce and Economic Development Bureau in January 2010 (LC Paper No. CB(1)903/09-10(01)) to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions (the Subcommittee) for further information.

13. Under section 3(5) of the Ordinance, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to regulations made under the Ordinance. Therefore, the Amendment Regulation is not subject to amendment by the Legislative Council. However, since the Regulation comes within the terms of reference of the Subcommittee, Members may consider referring the Amendment Regulation to the Subcommittee for its consideration.

14. No difficulties have been observed in the legal and drafting aspects of the above items of subsidiary legislation.

Prepared by

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